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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,992	09/25/2003	Takeshi Konno	HGM-113-A	4504

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EXAMINER

NGUYEN, NAM V

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/670,992

Applicant(s)

KONNO, TAKESHI

Examiner

Nam V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/6/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-13 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 5 and 14-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This communication is in response to applicant's Amendment which is filed December 6, 2005.

An amendment to the claims 1-7 and 11-12 has been entered and made of record in the application of Konno for an "anti-theft device in motorcycle" filed September 25, 2003.

The new set of claims 13-20 are introduced.

Claims 1-20 are pending.

Response to Arguments

Applicant's amendment and arguments with respect to claims 1-20, filed December 6, 2005 have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "the electronic transmitter" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-7, 9-11, 13 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. (US# 5,343,077) in view of Kleefeldt et al. (US# 5,561,420) and in further view of Perillat et al. (US# 6,434,983).

Referring to claims 1, 13 and 16, Yoshida et al. disclose an anti-theft device in a motorcycle (see Figures 1 to 3) having a receiver (19) (i.e. transceiver/receiver unit) that receives a release signal (i.e. a code signal to release lock) from a remote control unit (18) (i.e. a code transmitter) and a controller (20) (i.e. a code comparison circuit) that judges whether ID (i.e. code) included in the release signal (i.e. a code signal) is coincident with pre-registered ID (i.e. a

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reference code) (column 4 lines 13 to 68; column 5 line 55 to column 6 line 4; see Figures 1 to 5), the anti-theft device comprising:

The remote control unit (18) having an electronic transmitter for transmitting the release signal (i.e. a code signal) including a specific ID (i.e. code) (column 5 line 55 to column 6 line 13; see Figures 1 to 5);

the controller (20) permits the starting of an engine of the motorcycle when the controller (20) judges that the specific ID (i.e. a code) included in the release signal (i.e. a code signal) is coincident with the pre-registered ID (i.e. a reference code) and when the controller receives the detection signal from the detector (i.e. the push key switch signal) (column 5 line 65 to column 6 line 37; column 9 lines 24 to 68; see Figures 1 to 5 and 10 to 11).

However, Yoshida et al. did not explicitly disclose a remote control unit holder provided with the motorcycle, said holder having an elongated slit which holds and encloses at least half of the elongated portion of the remote control unit therein; and

a detector provided with the holder, wherein the detector detects when the remote control unit is held by the holder and the detector output a detection signal when the remote control unit is held.

In the same field of endeavor of a remote control device in a vehicle, Kleefeldt et al. teach that a remote control unit holder (13) (i.e. an ignition lock) provided with the motorcycle (1) (i.e. a motor vehicle), said holder (13) having an elongated slit (24) (i.e. a barrel) which holds and encloses at least half of the elongated portion (12) (i.e. a key blade) of the remote control unit (3) (i.e. a remote operator or key/transmitter) therein (column 5 line 4 to column 6 line 18;

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see Figures 1 to 3) in order to activate the start of a vehicle and to hold the remote operator while operating a motor vehicle.

One of ordinary skilled in the art recognizes the need to insert the remote operator in the lock taught by Kleefeldt et al. in the slot for the insertion of a mechanical key switch of Yoshida et al. because Yoshida et al. suggest it is desired to provide that a slot to hold a mechanical key to switch in order to allow the vehicle be operated (column 4 lines 13 to 68; see Figures 1 to 4) and Kleefeldt et al. teach that a lock includes a barrel for the remote operator to insert the key blade into (column 5 lines 4 to column 6 line 10) in order to operate the vehicle. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to insert the remote operator in the lock taught by Kleefeldt et al. in the slot for the insertion of a mechanical key switch of Yoshida et al. with the motivation for doing so would have been to provide safety and reliable to operate a remote transceiver in a vehicle.

In the same field of endeavor of a control device for a vehicle, Perillat et al. teach that a detector (i.e. a detector means) that is provided with the holder (12 and 13) (i.e. a support with a housing), wherein the detector (i.e. a detector means) detects when the remote control unit (11) (i.e. a key) is held by the holder and the detector output a detection signal when the remote control unit (11) is held (i.e. in appropriate support) (column 1 line 61 to column 2 line 45; see Figures 1 to 3) in order to provide a reliable signal and the best support to avoid accident while the vehicle is operating.

One of ordinary skilled in the art recognizes the need to add a detection mean to detect the presence of the key in the housing of Perillat et al. in a slot for the insertion of a mechanical key switch of Yoshida et al. in view of Kleefeldt et al. because Yoshida et al. suggest it is desired

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to provide that a slot to hold a mechanical key to switch in order to allow the vehicle be operated (column 4 lines 13 to 68; see Figures 1 to 4) and Kleefeldt et al. suggest that the switch is activated when the key blade is inserted into the lock (column 5 line 4 to column 6 line 10) and Perillat et al. teach that a detection means in a support to detect a remote control key presence (column 2 lines 13 to 45) in order to command to start the vehicle engine. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to add a detection mean to detect the presence of the key in the housing of Perillat et al. in a slot for the insertion of a mechanical key switch of Yoshida et al. in view of Kleefeldt et al. with the motivation for doing so would have been to provide safety and reliable to operate a motorcycle.

Referring to Claims 2 and 17-18, Yoshida et al. in view of Kleefeldt et al. and in view of Perillat et al. disclose an anti-theft device in a motorcycle according to claims 1 and 16, Kleefeldt et al. disclose wherein the remote control unit holder (13) (i.e. an ignition lock) is adapted to securely receive at least half of the elongated portion (12) (i.e. a key blade) of the remote control unit (3) (i.e. a remote operator or key/transmitter) therein such that the remote control unit (3) does not fall out of the holder (13) during travel column 5 line 55 to column 6 line 10; see Figures 2 and 3).

Referring to Claims 3-4 and 19-20, Yoshida et al. in view of Kleefeldt et al. and in view of Perillat et al. disclose an anti-theft device in a motorcycle according to claims 1 and 16, Kleefeldt et al. disclose wherein one of the remote control unit (3) and the remote control unit holder (13) includes a cutout (column 5 line 55 to column 6 line 10; see Figures 2 and 3); and the

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other of the remote control unit (3) and the remote control unit holder (13) include a fitting part (23) (i.e. a tumbler) which securely fits into the cutout when the remote control (3) is held by the remote control unit holder (13) while the vehicle is running (column 5 line 55 to column 6 line 10; see Figures 2 and 3).

Referring to Claim 6, Yoshida et al. in view of Kleefeldt et al. and in view of Perillat et al. disclose an anti-theft device in a motorcycle according to claim 1, Kleefeldt et al. disclose wherein the elongated slit (24) of the remote control unit holder (13) is adapted to receive most of the remote control unit therein (column 5 line 55 to column 6 line 10; see Figures 2 and 3).

Referring to Claim 7, Yoshida et al. in view of Kleefeldt et al. and in view of Perillat et al. disclose an anti-theft device in a motorcycle according to claim 1, Yoshida et al. disclose further includes an instrument panel (1) (i.e. an operation switch panel) and the remote control unit holder (7) (i.e. a key switch holder) is disposed on a front portion of the instrument panel (1) (column 4 lines 13 to 25; column 7 lines 22 to 33; see Figures 1 to 3 and 6-7).

Referring to Claim 9, Yoshida et al. in view of Kleefeldt et al. and in view of Perillat et al. disclose an anti-theft device in a motorcycle according to claim 1, Yoshida et al. disclose the anti-theft device is operatively associated with a steering handle locking mechanism (29) (i.e. steering lock) or a seat locking mechanism of the motorcycle (column 7 lines 22 to column 8 line 42; see Figures 4 to 11).

Referring to Claim 10, Yoshida et al. in view of Kleefeldt et al. and in view of Perillat et al. disclose an anti-theft device in a motorcycle according to claim 1, Yoshida et al. disclose wherein the anti-theft device is operatively associated with both a steering handle locking mechanism (29) and a seat locking mechanism (11) of the motorcycle (column 4 lines 26 to 68; see Figures 3 and 4).

Referring to Claim 11, Yoshida et al. in view of Kleefeldt et al. and in view of Perillat et al. disclose an anti-theft device in a motorcycle according to claim 1, Yoshida et al. disclose wherein the holder (7) is provided in the vicinity of the steering handle locking mechanism (29) (column 4 lines 26 to 68; see Figures 1 to 3).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. (US# 5,343,077) in view of Kleefeldt et al. (US# 5,561,420) and in view of Perillat et al. (US# 6,434,983) as applied to Claim 1, and in further view of Tatsukawa et al. (US#6,710,700).

Referring to Claim 8, Yoshida et al. in view of Kleefeldt et al. and in view of Perillat et al. disclose an anti-theft device in a motorcycle according to claim 1, however, Yoshida et al. in view of Kleefeldt et al. and in view of Perillat et al. did not explicitly disclose continues to receive the detection signal from the detector.

In the same field of endeavor of a control device for a vehicle, Tatsukawa et al. teach a control unit 35 continues to receive the detection signal (i.e. an attaching detection unit output signal) from the detector (34) (i.e. an attaching detection unit) (column 9 lines 8 to 25; column

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10 line 36 to column 11 line 16; see Figures 1-2, 7 and 10) in order to check the electronic key transmitter from becoming detached from the attaching unit.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize the need for using an attaching detection unit transmits enable signal to a control unit of Tatsukawa et al. in a control device for a vehicle of Yoshida et al. in view of Kleefeldt et al. and in view of Perillat et al. because continuous of checking the presence of an electronic key transmitter attaching to an attaching unit would improve the reliable and safety in operating a motor vehicle that has been shown to be desirable in the starting device for motorcycle of Yoshida et al. in view of Kleefeldt et al. and in view of Perillat et al.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. (US# 5,343,077) in view of Kleefeldt et al. (US# 5,561,420) and in view of Perillat et al. (US# 6,434,983) as applied to Claim 1, and in further view of Solow (US# 5,469,135).

Referring to Claim 12, Yoshida et al. in view of Kleefeldt et al. and in view of Perillat et al. disclose an anti-theft device in a motorcycle according to claim 1, however, Yoshida et al. in view of Kleefeldt et al. and in view of Perillat et al. did not explicitly disclose further a mechanism for providing an audible indication when the remote control unit is extracted from the remote control unit holder.

In the same field of endeavor of a vehicle security system, Solow teaches a mechanism (58) (i.e. a sounding device) for providing an audible indication (i.e. a horn or chirp) when the remote control unit (18) (i.e. a lock) is extracted from the remote control unit holder (14) (i.e. a

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lock plates) (column 1 line 65 to column 2 line 15; column 2 lines 39 to 58; see Figures 1-4) in order to alert the user.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize the need to add a sounding device to provide an audible tone when the remote control is removed from a lock plates in a vehicle security system of Solow in a control device for a vehicle of Yoshida et al. in view of Kleefeldt et al. and in view of Perillat et al. because adding an audible alert when the control device is removed would improve the reliable and safety in operating a motor vehicle that has been shown to be desirable in the starting device for motorcycle of Yoshida et al. in view of Kleefeldt et al. and in view of Perillat et al.

Allowable Subject Matter

Claims 5 and 14-15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Referring to claims 5 and 14, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations wherein the remote control unit further includes a seat opening button for transmitting a seat opening signal having a specific ID to the controller and the controller permits opening of a seat of the motorcycle when the specific ID included in the seat opening signal coincides with a pre-registered ID.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Inamori et al. (US# 5,754,117) disclose a remote control device for automotive vehicle.

Kito et al. (US# 6,188,140) disclose an immobilizer system-mounting vehicle and member used for the immobilizer system.

Rohrberg et al. (US# 6,661,350) disclose a miniature remote control system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nam Nguyen
February 16, 2006



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